

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 11G205512WO4	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IT2005/000059	International filing date (<i>day/month/year</i>) 09 February 2005 (09.02.2005)	Priority date (<i>day/month/year</i>) 12 February 2004 (12.02.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant GIUSEPPE, Galtieri			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 <i>bis</i> . 1(a).																								
2.	This REPORT consists of a total of 7 sheets, including this cover sheet. In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 30%;">Box No. I</td> <td style="width: 60%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

<p style="text-align: center;">The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 14 August 2006 (14.08.2006)</p> <hr/> <p>Authorized officer</p> <p style="text-align: center; font-size: 1.2em;">Simin Baharlou</p> <p>e-mail: pt09@wipo.int</p>
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PATENT COOPERATION TREATY

REC'D 27 APR 2005

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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IT2005/000059

International filing date (day/month/year)
09.02.2005

Priority date (day/month/year)
12.02.2004

International Patent Classification (IPC) or both national classification and IPC
C12G3/07

Applicant
GIUSEPPE, Galtieri

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IT2005/000059

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IT2005/000059

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5-8, 10-13, 15, 16
	No: Claims	1-4, 9, 14, 17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US-A-5 481 960 (SULLIVAN ET AL) 9 January 1996 (1996-01-09)
D2: US-A-2 203 229 (NILSSON OSCAR F ET AL) 4 June 1940 (1940-06-04)
D3: US-A-3 942 423 (HERZFELD ET AL) 9 March 1976 (1976-03-09)
D4: US-A-5 647 268 (SULLIVAN ET AL) 15 July 1997 (1997-07-15)
D5: US-A-2 017 235 (DREW LESLIE L) 15 October 1935 (1935-10-15)
D6: EP-A-1 199 351 (RITTER, STEPHAN, DR) 24 April 2002 (2002-04-24)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-4, 9, 14, 17 is not new in the sense of Article 33(2) PCT.

- 2.1. The document D1 discloses (cf. the whole document) a perforated cylindrical element containing oak cubes and a plug, which is immersed into wine stored in a barrel. The plug ("head") is engaged in a removable fashion in the opening of the barrel. The term "silo" in claim 17 is considered as not having a specific meaning in the technical field in question and is thus disregarded when assessing novelty of claim 17 (cf. Article 6 PCT).

The subject-matter of claims 1-4, 14 and 17 is therefore not novel (Article 33(2) PCT).

- 2.2. The document D2 discloses (cf. the whole document, in particular fig. 1, 2, 5, 6 & p. 3, l. 60) a tubular wooden rod (51, 53 in fig. 5), which is immersed into an alcoholic liquid stored e.g. in a barrel. A plug (e.g. 23 in fig. 2; plug in fig. 5) may be engaged in a removable fashion in the head (12 or 22), which is removably fastened to the opening of the container. The term "silo" in claim 17 is considered as not having a specific meaning in the technical field in question and is thus disregarded when assessing novelty of claim 17 (cf. Article 6 PCT). The subject-matter of claims 1, 2, 4, 9, 14 and 17 is therefore not novel (Article 33(2) PCT).

- 2.3. The document D3 discloses (cf. abstract, cl. 1) a tubular wooden rod (8), which is immersed into an alcoholic liquid stored in a container. A plug/stopper/head (30) provided at the open end of the rod is engaged in a removable fashion in the opening of the container.

The term "silo" in claim 17 is considered as not having a specific meaning in the technical field in question and is thus disregarded when assessing novelty of claim 17 (cf. Article 6 PCT).

The subject-matter of claims 1, 2, 4, 14 and 17 is therefore not novel (Article 33(2) PCT).

- 2.4. The document D4 discloses (cf. abstract) a folded sleeve containing small oak staves, which is fastened to a plug 24 that is removably inserted into the opening of a wine barrel. It appears justified to consider the sleeve as "tubular element".

The term "silo" in claim 17 is considered as not having a specific meaning in the technical field in question and is thus disregarded when assessing novelty of claim 17 (cf. Article 6 PCT).

The subject-matter of claims 1, 2, 4, 14 and 17 is therefore not novel (Article 33(2) PCT).

4. Dependent claims 5-8, 10-13, 15, 16 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step, the reasons being as follows.

- 4.1. The features of dependent claims 7, 8 and 10-12 have already been employed for the same purpose in a similar device (see document D5, figures & claims and D6, abstract & figures). It therefore appears to be obvious to the person skilled in the art, to apply these features with corresponding effect to a device according to document D1, thus arriving at a device according to claims 7, 8 and 10-12.

- 4.2. In claims 5, 6, 13, 15 and 16, slight changes in the device of claim 1 and 14 respectively, are suggested, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance. Consequently, the subject-matter of claims 5, 6, 13, 15 and 16 also appears to lack an inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IT2005/000059